



12-22-03

Image RCE/1617

EXPRESS MAIL NO.: EL615430714US

PTO/SB/30 (09-09)

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/072,010
Filing Date	October 25, 2001
First Named Inventor	Jonathan W. Nyce
Art Unit	1617
Examiner Name	Shaojia A. Jiang
Attorney Docket Number	02486.0017.DVUS06

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Preliminary Amendment/Reply

ii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other: **Form PTO/SB/17 and Return postcard**

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **08-3038**

i. ☐ RCE fee required under 37 CFR 1.17(e) 12/29/2003 AWONDAF1 00000075 10072010

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 1 FC:2801 385.00 OP

iii. ☐ Other 02 FC:2202 63.00 OP

b. ☒ Check in the amount of \$ **503.00** enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Albert P. Halluin/Robin C. Chiang	Registration No. (Attorney/Agent)	25,227/46,619
Signature		Date	December 19, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Kory Mingus		
Signature		Date	December 19, 2003

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jonathan W. NYCE

Application No. 10/072,010

Filed: October 25, 2001

For: **COMPOSITION, FORMULATIONS  
AND METHOD FOR PREVENTION  
AND TREATMENT OF DISEASES AND  
CONDITIONS ASSOCIATED WITH  
BRONCHOCONSTRICTION,  
ALLERGY(IES) AND INFLAMMATION**

Art Unit: 1635

Examiner: Jiang, Shaojia A.

Confirmation No.: 5176

Attorney Docket No.: EPI-00312  
(02486.0017.DVUS06)

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This submission is filed along the Request for Continued Examination for the present application. The Examiner is respectfully requested to enter amendments and reconsider the application.. The Request for Continued Examination is submitted prior to or including the extended due date of **December 23, 2003**. The requisite fee for Petition for Extension of Time under 37 CFR 1.136(a) is enclosed herewith. If any further fees are required in order to maintain the pendency of the instant application, the Examiner is expressly authorized to charge such to Deposit Account No. 08-3038.

12/29/2003 AWONDAF1 00000075 10072010.

03 FC:2251

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